

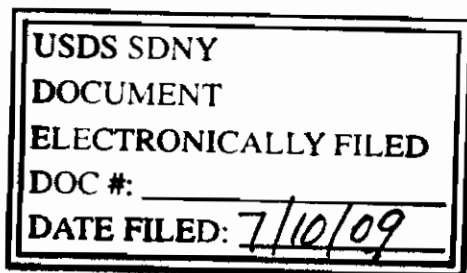
In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.
("MTBE") Products Liability : 00 Civ. 1898 (SAS)
Litigation : MDL 1358

This document pertains to: :
City of New York v. Amerada Hess, :
et al., :
No. 04 Civ. 3417 :

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

The Court having reviewed the objections to designated portions of the deposition of Frederick M. Anderson, the objections are determined as follows:

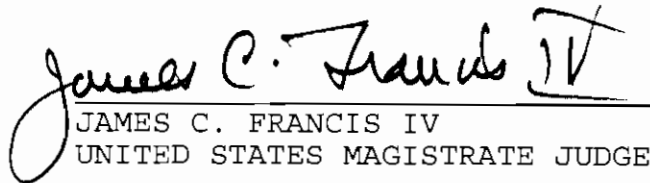
<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
	19:10 - 19:16	Overruled; no foundation is required to ask a witness about whether the witness received certain information.
2	20:03-20:04 20:09-20:12	Overruled; the answers are sufficiently responsive.
3	29:07 - 29:10	Overruled; the generality of the answer is congruent with the question.
4	38:06 - 38:14	Overruled; the witness is properly questioning an assumption implicit in the question.
5	49:16 - 50:08	Sustained; the statements of counsel are irrelevant; if necessary, counsel can agree on some joint statement to place exhibits in context.
6	51:05 - 51:19	Overruled; here the statements of counsel clarify the nature of the exhibits.
7	53:16-54:01 54:07-54:14	Overruled; the questions are sufficiently specific, and the evidentiary foundation may be satisfied by reference to other parts of the record.



8	56:06 - 56:15	Overruled; the witness can testify to the knowledge of others insofar as he is referring to information he communicated to them.
9	69:11 - 69:18	Overruled; events outside New York are relevant to the defendant's knowledge of the effects of MTBE on groundwater.
10	74:22-75:13 75:14-75:22	Overruled; <u>see</u> ruling for Tab 9.
11	76:02-76:06 76:07-76:15 76:16-76:20 76:21-76:22	Overruled; <u>see</u> ruling for Tab 9; based on the witness' background, he appears to be competent to offer this testimony.
12	77:01 - 77:16	Overruled; <u>see</u> ruling for Tab 9.
13	78:22 - 79:09	Overruled; <u>see</u> ruling for Tab 9.
14	80:13-80:14 80:15-80:22	Overruled; see ruling for Tab 9; the questions are sufficiently specific.
15	86:03 - 86:08	Overruled; the testimony explains the exhibit.
	86:15 - 88:06	Overruled; testimony is relevant to defendant's response to contamination.
	88:07 - 89:13	Overruled; the testimony completes the witness' prior response and provides explanation of the exhibit.
16	98:01 - 98:12	Overruled; the testimony completes the witness' response.
17	107:14 - 107:22	Sustained; the testimony only indicates that the witness is reading a document, not that he is agreeing with its substance or interpretation.
18	108:08 - 108:20	Sustained; <u>see</u> ruling for Tab 17.

19	117:12 - 117:21	Overruled; the question was sufficiently specific and the witness responded with no difficulty.
20	121:07-121:15	Sustained; vague.
	121:16-122:02	Overruled; <u>see</u> ruling for Tab 9.
21	122:21-123:04 123:14-124:01 124:01-124:12	Sustained; irrelevant and speculative.
22	125:18 - 125:21	Sustained; irrelevant, statements of counsel.
23	126:20 - 127:02	Sustained; <u>see</u> ruling for Tab 22.
24	137:02 - 137:05	Overruled; <u>see</u> ruling for Tab 9.
25	140:19 - 141:17	Overruled; the questions are sufficiently specific and the witness demonstrates the ability to respond.
26	147:12 - 147:14	Overruled; the answer is responsive and relevant.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 9, 2009

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